

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DELMIRO LICHTENBERGER, §
Petitioner, §
VS. § CIVIL ACTION NO. C-09-360
RICK THALER, §
Respondent. §

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DENY PETITIONER'S
APPLICATION TO PROCEED IN FORMA PAUPERIS**

On January 8, 2010, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that petitioner be found not indigent and that his application to proceed *in forma pauperis* (D.E. 2) be denied. The Memorandum and Recommendation recommended further that petitioner be instructed to pay the filing fee within twenty (20) days of the date of entry of any order adopting the memorandum and recommendation, or voluntarily dismiss the petition; and finally that petitioner be advised that failure to pay the filing fee within the time period proscribed may result in dismissal of his petition for failure to prosecute. Seeing no objection to this recommendation by either party and having now reviewed the recommendation, and noting further that on January 26, 2010, petitioner paid the \$5.00 filing fee, this Court hereby finds that petitioner is not indigent and adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is

ORDERED that petitioner's application to proceed *in forma pauperis* is denied.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 2nd day of February, 2010.



Janis Graham Jack
United States District Judge